# APPENDIX 2

**Thursday, December 10, 2020 at 11:23:18 AM Eastern Standard Time**

**Subject:** RE: Rodriguez v. Hirshberg et al., 20-cv-877 W.D. Mich.

**Date:**    Thursday, December 10, 2020 at 11:22:21 AM Eastern Standard Time

**From:**    Kate Klaus

**To:**       Curtis Warner

**CC:**       Tom Golden, Jesse Roth

You filed a notice of dismissal not a motion for leave to amend.   We do not consent to any disposition other than a dismissal with prejudice of the FDCPA claim.

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**From:** Curtis Warner <cwarner@warner.legal>
**Sent:** Thursday, December 10, 2020 11:19 AM
**To:** Kate Klaus <KKlaus@maddinhauser.com>
**Cc:** Tom Golden <btg@bthomasgolden.com>
**Subject:** Rodriguez v. Hirshberg et al., 20-cv-877 W.D. Mich.

[EXTERNAL EMAIL]
Mr. Klaus,

Plaintiff is not dismissing without prejudice the FDCPA claim under Rule 41, as stated in Defendants' objection, but removing/dismissing Count I under Rule 15 from the complaint.  So that there is no misunderstanding with the Court, given Defendants' objection citing Rule 41, Plaintiff is seeking Defendants' concurrence for Plaintiff's motion to amend the complaint withdrawing Count I and requesting the remaining state law claims to be remanded to state court as the Court then lacks jurisdiction over the state law claims as the federal question claim is being removed from the complaint early in the litigation.  Please let me know whether your client will concur with Plaintiff's request.


Curtis C. Warner*
5 E. Market St., Suite 250
Corning, NY 14830
(888) 551-8685 (TEL)
cwarner@warner.legal
By Appointment Only
* Licensed in MI, IL & NY


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